

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

In re:

Ottis P. Minchew,

Debtor

Case No.: 24-10836 -LSS
Chapter 13

OBJECTION TO CLAIM OF U.S. DEPARTMENT OF EDUCATION/MOHELA
(Claim No. 4)

Ottis P. Minchew (“Debtor”), by and through undersigned counsel and pursuant to 11 U.S.C. § 502(b)(1), Fed. R. Bankr. P. 3007, and Local Rule 3007-1, hereby objects to the claim of the U.S. Department of Education/MOHELA (“DOE”) for the reasons stated herein, as well as for any reasons to be stated at any subsequent hearing on this matter. In support of this Objection, the Debtor states:

JURISDICTION

1. Jurisdiction is appropriate in this Court pursuant to 28 U.S.C. § 1334 and 11 U.S.C. § 502. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1409.
2. This is a core proceeding with the meaning of 28 U.S.C. § 157 (b)(2)(B) & (O).

BACKGROUND

I. The Bankruptcy Case.

3. On January 31, 2024 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code.
4. Timothy P. Branigan was appointed Chapter 13 trustee in this matter.

II. The DOE Claim.

5. On July 15, 2024, the DOE filed a general unsecured proof of claim (the “DOE Claim”)

for student loan obligations totaling \$40,939.60. *See* Claim No. 4.

OBJECTION TO CLAIM AND REQUEST FOR RELIEF

6. The Debtor intends to file a second amended plan, and to allow this Objection to be resolved prior to confirmation, is filing contemporaneously herewith a Motion to Extend Time to File Amended Plan.

7. The Debtor wishes to pay the DOE Claim outside of the Plan, as the DOE Claim is long-term debt and non-dischargeable.

8. The Debtor intends to provide for two classes of allowed general unsecured claims in Section 4.7 of his anticipated amended plan:

- a. Class 1: allowed general unsecured claims to be paid pro rata; and
- b. Class 2: allowed general unsecured claims for student loans (Claim No.:4 of the U.S. Department of Education/MOHELA) to be paid outside the plan as long-term unsecured debt.

9. As is the Chapter 13 trustee's policy, this Objection is necessary pursuant to 11 U.S.C. § 1325 so that the Trustee will not be required pay the DOE Claim through the anticipated confirmed plan, which he would have been required to do had the DOE Claim be considered an allowed, general unsecured claim.

10. The purpose of this Objection is to remove the DOE Claim from its status as an allowed, general unsecured claim to allow the Debtor to pay it outside of the anticipated confirmed Chapter 13 Plan.

11. Pursuant to Local Rule 9013-2 no memorandum of law will be filed, and the Debtor will rely solely upon this Objection.

WHEREFORE, Ottis P. Minchew, Debtor, respectfully requests that this Court enter an

Order:

1. Sustaining this Objection;
2. Disallowing Claim No.: 4 as an allowed, general unsecured claim; and
3. Granting such other and further relief as is just and proper in this case.

Respectfully submitted

/s/ Eric S. Steiner

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NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 3007-1, YOU ARE HEREBY ADVISED THAT (A) WITHIN THIRTY (30) DAYS AFTER THE DATE ON THE CERTIFICATE OF SERVICE OF THIS OBJECTION, YOU MAY FILE AND SERVE A RESPONSE, TOGETHER WITH ANY DOCUMENTS AND OTHER EVIDENCE YOU WISH TO ATTACH IN SUPPORT OF THE CLAIM, UNLESS YOU WISH TO RELY SOLELY UPON THE PROOF OF CLAIM; (B) AN INTERESTED PARTY MAY REQUEST A HEARING THAT WILL BE HELD AT THE COURT'S DISCRETION; AND C) THE COURT MAY OVERRULE THE OBJECTION OR SET A HEARING ON THE OBJECTION IF THE OBJECTION FAILS TO INCLUDE ADEQUATE SUPPORT FOR THE REQUESTED RELIEF, EVEN IF A RESPONSE IS NOT FILED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 16th day of July, 2024, a copy of the foregoing Objection,

Proposed Order, and any exhibits was sent via the court's CM/ECF system to the following:

Timothy P. Branigan
Chapter 13 Trustee

I FURTHER CERTIFY that on this 16th day of July, 2024, a copy of the foregoing Objection, Proposed Order, and any exhibits, was served via first-class mail, postage prepaid, to all parties and creditors listed below:

US Department of Education/MOHELA
633 Spirit Drive
Chesterfield, MO 63005

US Department of Education/MOHELA
c/o Ursula Davies
633 Spirit Drive
Chesterfield, MO 63005

US Department of Education
c/o U.S. Attorney for the District of Maryland
6406 Ivy Lane Suite 800
Greenbelt, MD 20770

/s/ Eric S. Steiner

Eric S. Steiner